

AN ORDINANCE

99387

AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH BRACEWELL & PATTERSON, L.L.P. FOR LEGAL SERVICES AND EXPENSES IN CONNECTION WITH A LEASE AND DEVELOPMENT AGREEMENT FOR THE DEVELOPMENT, OPERATION, AND MAINTENANCE OF THE TOWER OF THE AMERICAS IN AN AMOUNT NOT TO EXCEED \$125,000.00; AUTHORIZING CONTINUED NEGOTIATIONS WITH LANDRY'S RESTAURANTS INC. TO FINALIZE THE LEASE AND DEVELOPMENT AGREEMENT; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, on March 4, 2004, the City Council passed Ordinance No. 98910, selecting Landry's Restaurants, Inc. (Landry's) and authorizing contract negotiations for the development, operation and maintenance of the Tower of the Americas; and

WHEREAS, because of the complexity and uniqueness of the issues involved in this transaction, the City Attorney sought outside legal expertise to provide all necessary legal services; and

WHEREAS, the law firm of Bracewell & Patterson was selected and has begun performing legal services on behalf of the City; and

WHEREAS, it is now necessary to authorize and appropriate legal services funds and to authorize the execution of a professional services contract with this firm to provide for the legal services and the payment of funds for such services; and

WHEREAS, when Landry's was selected, it was anticipated that contract negotiations would require 60 days, but difficulty in both parties selecting outside counsel delayed negotiations;
NOW THEREFORE:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

Section 1. The City Attorney or the City Manager or her designee is hereby authorized to execute a professional services agreement with Bracewell & Patterson, L.L.P., Inc. for legal services in connection with the negotiation and drafting of a Lease and Development Agreement for development, operation and maintenance of the Tower of the Americas by Landry's Restaurants, Inc. In consideration for such legal services, an amount not to exceed \$125,000.00 is hereby authorized to be appropriated and payment thereof to said firm is hereby authorized.

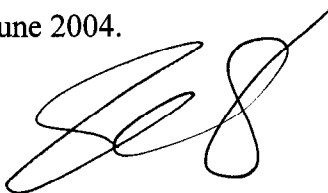
Section 2. The City Manager is authorized to continue negotiations with Landry's Restaurants, Inc. until an acceptable agreement is reached with a goal of presenting the agreement to City Council for approval by October 1, 2004.

Section 3. The amount of \$125,000.00 is appropriated in fund 43-505001, Certificates of Obligation, 2004 Tower of the Americas, in index code 785790, entitled Legal Fees, and is authorized to be encumbered and made payable to Bracewell & Patterson, L.L.P. for legal services in connection with the Tower of the Americas project.

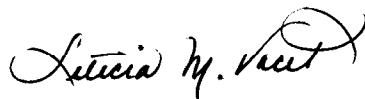
Section 4. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Numbers as necessary to carry out the purpose of this Ordinance.

Section 5. This ordinance shall be effective on and after July 4, 2004.

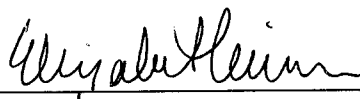
PASSED AND APPROVED this 24th day of June 2004.


for M A Y O R
EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney